

Remarks

Upon entry of this amendment, claims 17-33 will be pending in the application. Claim 34 has been cancelled. Claims 18-19 and 28-33 are withdrawn pursuant to a restriction requirement. Claims 17-19, 21, 22, 24, 25, and 28-33 are being amended to correct minor typographical or other editorial errors and to make other revisions. Support for this amendment is found throughout the specification, for example, pages 2-3 (optional hydroxyl, amino and aminocarbonyl substituents in R⁶-R⁹; see further R³), and pages 4-6 (definitions of terms 'optionally substituted', 'aryl', etc.; definition of R⁴; and pharmaceutically acceptable derivatives). No new matter is being added.

Applicants reserve the right to pursue the canceled subject matter as well as any other subject matter supported by the application in this or a continuing application.

Rejoinder

It is understood that the Examiner will rejoin claims 18-19 and 28-33 if the compounds thereof are commensurate in scope with the compounds of method of use claims 17 and 20-27, which rejoined claims would constitute Group VI of the restriction requirement set forth by the Examiner. Applicants wish to clarify that when group VI is rejoined, it will contain compounds wherein A and B are CR⁶R⁷ and CR⁸R⁹, respectively (and not NR¹¹, O or S(O)_x for A and B as is suggested in the Office Action of April 29, 2005).

Double Patenting

The Examiner has alleged obviousness-type double patenting with copending application 10/441,435 (publication # 20030203917). Applicants reserve the right to traverse this rejection if and when the rejection is no longer provisional.

Applicants also inform the Examiner of U.S. Patent 6,803,369, which is in the same patent family as the '435 application.

Claim Objections

The examiner has objected to claims 17-28 for containing non-elected subject matter. Applicants have removed the non-elected subjected matter from said claims or have withdrawn them with right for rejoinder. Claim 34 has been objected to for allegedly being a substantial duplicate of claim 32. Claim 34 has been cancelled.

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Group Art Unit No.: 1626

Conclusion

In view of the above amendments and remarks, applicants believe that the claims of the present application are in condition for allowance.

Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned attorney at the number below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Loretta J. Sauermelch". The signature is written in dark ink and is positioned above the printed name and title.

Loretta J. Sauermelch
Attorney for Applicants
Registration No. 37,347

GLAXOSMITHKLINE
Corporate Intellectual Property-UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone: (610) 270-6854
Fax: (610) 270-5090
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